

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

BRANDON TRANSUE]	
Plaintiff,]	
]	
v.]	No. 3:10-1198
]	JUDGE HAYNES
DSNF MEDICAL STAFF, et al.]	
Defendants.]	

M E M O R A N D U M


Plaintiff, Brandon Transue, an inmate at the Deberry Special Needs Facility (DSNF) in Nashville, filed this pro se action under 42 U.S.C. § 1983 against the Defendants: DSNF medical staff and David Seahorn, a member of the medical staff. Plaintiffs seeks injunctive relief for medical care.

On December 4, 2010, Plaintiff allegedly "swallowed a full size toothbrush". A physician told the DSNF nursing staff to monitor the Plaintiff's vital signs and "wait to see what happens". The Plaintiff asserts that an x-ray should have been taken and the failure to do so is a denial of adequate medical care in violation of his Eighth Amendment right.

The defendants are named only in their official capacities only, as such, any claim is limited to injunctive relief, Will v. Michigan Department of State Police, 491 U.S. 58, 64 (1989), but the Defendant DSNF as a state agency is not a person. Alabama v.

Pugh, 438 U.S. 781, 782 1978). Given the physician's directive, Plaintiff's disagreement with the physician is not actionable under the Eighth Amendment. Estelle v. Gamble, 429 U.S. 97, 106 (1976).

An appropriate order will be entered.


WILLIAM J. HAYNES, JR.
United States District Judge
4-4-11